21 C.J.S. Courts § 219

Corpus Juris Secundum | May 2023 Update

Courts
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VI. Rules of Adjudication, Decisions, and Opinions

B. Stare Decisis

3. Extent of Precedential Effect of Decision

§ 219. Decisions on questions of fact

Topic Summary | References | Correlation Table

West's Key Number Digest

West's Key Number Digest, Courts 89

Stare decisis applies to the adjudication of legal issues but does not ordinarily apply to decisions on questions of fact.

Stare decisis applies to questions of law.[1] The doctrine does not ordinarily apply to decisions on questions of fact so as to render them binding in later cases.[2] This is so even though the probative facts and testimony in the former decision were identical with those in the later case.[3] However, a decision made as a matter of law based on historical fact is precedent that is binding in general and not merely binding on the parties to that case.[4]

CUMULATIVE SUPPLEMENT

Cases:

Stare decisis did not warrant upholding Supreme Court's decision in *Nevada v. Hall*, 440 U.S. 410, 99 S.Ct. 1182, 59 L.Ed.2d 416, which held that the Constitution did not bar private suits against a State in the courts of another State; although some plaintiffs have relied on *Hall* by suing sovereign States, *Hall* failed to account for the historical understanding of state sovereign immunity, namely that States retained immunity from private suits, both in their own courts and in other courts, *Hall* also failed to consider how the deprivation of traditional diplomatic tools reordered the States relationships with one another, and it stood as an outlier in the Supreme Court's sovereign-immunity jurisprudence. Franchise Tax Board of California v. Hyatt, 139 S. Ct. 1485 (2019).

Prior antitrust action challenging National Collegiate Athletic Association (NCAA) rules restraining trade in relation to student-athletes' names, images, and likenesses (NIL) did not foreclose as matter of stare decisis subsequent litigation asserting that NCAA violated federal antitrust law by limiting compensation they could receive in exchange for their athletic services; prior decision's rule of reason analysis was inherently fact-dependent, court made manifest effort to limit its decision to record before it, and prior ruling was limited to student-athletes' NILs, while current action sought less restrictive alternatives that would uncap above-cost of attendance (COA) compensation, regardless whether their NILs had, would, or could generate any revenue that would fund such compensation. In re National Collegiate Athletic Association Athletic Grant-in-Aid Cap Antitrust Litigation, 958 F.3d 1239 (9th Cir. 2020).

[END OF SUPPLEMENT]

Footnotes

1 Del.—State v. Phillips, 400 A.2d 299 (Del. Ch. 1979), judgment aff'd, 449 A.2d 250 (Del. 1982).

Ga.—Norris v. Atlanta & West Point R. Co., 254 Ga. 684, 333 S.E.2d 835 (1985).

Ohio—Rural Health Collaborative of S. Ohio, Inc. v. Testa, 2016-Ohio-508, 2016 WL 671433 (Ohio 2016).

S.D.—State v. Means, 268 N.W.2d 802 (S.D. 1978).

2 Ohio—Rural Health Collaborative of S. Ohio, Inc. v. Testa, 2016-Ohio-508, 2016 WL 671433 (Ohio 2016).

Easement
The determination whether a use is adverse or permissive for purposes of establishing a prescriptive easement is a fact question, and former decisions are rarely controlling.

Ark.—Carson v. County of Drew, 354 Ark. 621, 128 S.W.3d 423 (2003).

3 U.S.—The Diamond Cement, 95 F.2d 738 (C.C.A. 9th Cir. 1938).

Distinction between stare decisis and res judicata, see § 185.

4 Vt.—State v. Cameron, 163 Vt. 626, 658 A.2d 939 (1995) (legal conclusion that a tribe's aboriginal rights were extinguished when Vermont became a state).